

REMARKS

Applicant has studied the Office Action dated July 13, 2007. Claims 1-20 are pending. Claims 1, 4, 11-17, 19, and 20 have been amended. Claims 1 and 16 are independent claims. No new matter has been added as the amendments have support in the specification as originally filed.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Amendments to Specification

Amendments have been made to the specification at page 1 in order to claim priority to the foreign application. No new matter has been added by these amendments, which are not related to patentability.

Amendments to the Claims

Claims 1, 4, 11-17, 19, and 20 have been amended to correct typographical errors or to more clearly disclose the invention. It is respectfully submitted that the amendments have support in the application as originally filed.

§ 103 Rejections

Claim 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rumbaugh et al. ("Rumbaugh" U.S. Pat. No. 6,031,336). This rejection is respectfully traversed.

It is respectfully noted that the Federal Circuit has provided that an Examiner must establish a case of prima facie obviousness. Otherwise the rejection is incorrect and must be overturned. As the court recently stated in In re Rijkaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993):

"In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. 'A prima facie case of obviousness is established when the teachings from the prior art itself

would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.' If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned." (citations omitted.)

With regard to the rejection of independent claims 1 and 16, it is respectfully noted that the Examiner asserts, at paragraph 2 of the Office action, that although Rumbaugh does not specifically teach "a switch unit for selectively connecting the discharge path to discharge electric charge charged in a spacer of the FED," it would have been obvious to recognize Rumbaugh's switch as shown in Fig. 3, which is attributed to selective electron emission through scanning, for the purpose of providing simultaneous emission of electron as taught by Rumbaugh. Applicant respectfully disagrees with the Examiner.

Nevertheless, claims 1 and 16 have been amended to more clearly disclose and distinguish the present invention from the cited reference. Claim 1, as amended, recites "a resistor connected between an anode electrode and a spacer ground electrode of an FED; and a switch unit for selectively connecting the resistor to the anode electrode or to the spacer ground electrode in order to discharge electric charge charged in a spacer of the FED, during a blanking time period." Claim 16, as amended, recites "selectively connecting a resistor to an anode electrode of the FED or to a spacer ground electrode of the FED to discharge electric charge charged in a spacer of the FED, during a blanking time period, wherein the resistor is connected between the anode electrode and the spacer ground electrode."

It is respectfully submitted that the Rumbaugh discloses a field emission display, and in particular, "a resistor 183 connected to potential source 126 and a switch 151" (column 8, lines 63-64 and Fig. 8). However, it is respectfully submitted that Rumbaugh fails to disclose or suggest the features recited in claims 1 and 16, as amended.

In addition, it is respectfully asserted that in the absence of any motivation or reason, and express or implied suggestion of the desirability of modification to make the necessary changes in Rumbaugh, it would not have been obvious to modify the FED disclosed in Rumbaugh to meet the terms of claims 1 and 16 of the present application.

In view of the above arguments, it is respectfully asserted that the Examiner has failed to establish a prima facie case of obviousness and, therefore, independent claims

1 and 16 are allowable over the cited reference, as are claims 2-15 and 17-20, which depend from claims 1 and 16, respectively.

CONCLUSION


In view of the above remarks, Applicant submits that claims 1-20 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

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